

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cr. No. 05-1849 JH
)	
DAVID REID,)	
)	
Defendant.)	

UNITED STATES' RESPONSE TO "MOTION TO SUPPRESS
EVIDENCE SEIZED IN ILLEGAL SEARCH OF DAVID REID'S HOME"

The United States hereby responds to defendant David Reid's "Motion to Suppress Evidence Seized in Illegal Search of David Reid's Home" (Doc. 1531) as follows:

1. On August 23, 2005, a federal grand jury in the District of New Mexico returned a 26-count indictment in this case charging defendant David Reid ("Reid") and twenty other defendants with, *inter alia*, conspiracy to distribute 1000 kilograms and more of marijuana, in violation of 21 U.S.C. § 846.
2. On August 24, 2005, United States Magistrate Judge Hector C. Estrada of the District of Arizona authorized a search warrant for Reid's residence, 9227 W. Weaver Circle in Casa Grande, Arizona (hereinafter referred to as "9227 W. Weaver Circle").
3. On the morning of August 25, 2005, federal agents met in Casa Grande in preparation for the execution of the search warrant, along with an arrest warrant for Reid. Reid was arrested as he drove away from 9227 W. Weaver Circle. Incident to Reid's arrest, agents seized a computer jump drive from a key ring that was in Reid's pocket.

After being advised of and waiving his *Miranda* rights, Reid made a detailed statement to agents.

4. On February 2, 2009, Reid filed the present motion to suppress, in which he seeks “an order suppressing all evidence seized during the search of his home on August 25, 2005.” Def. Mot. at 1-2. Reid does not seek in his motion to suppress the evidence discovered on the jump drive seized from his key ring or his post-arrest statement, which the United States intends to introduce at trial in this case.

5. The United States does not, however, intend to introduce in its case-in-chief at trial any of the evidence seized during the search of 9227 W. Weaver Circle pursuant to the search warrant.

WHEREFORE, for the foregoing reasons, the United States respectfully requests that the Court deny Reid’s “Motion to Suppress Evidence Seized in Illegal Search of David Reid’s Home” as moot.

Respectfully submitted,

GREGORY J. FOURATT
United States Attorney

/s/ *James R.W. Braun*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of March, 2009, I filed the foregoing

pleading electronically through the CM/ECF system, which is designed to cause counsel of record for the defendant to be served by electronic means.

/s/ James R.W. Braun

JAMES R.W. BRAUN
Assistant U.S. Attorney